

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN FORTSON, JR.,

Plaintiff,

v.

CASE NO. 05-CV-73223-DT
HONORABLE PATRICK J. DUGGAN

THOMAS KERN, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S REQUEST FOR APPOINTMENT OF COUNSEL
BUT GRANTING REQUEST FOR EXTENSION OF TIME**

Plaintiff has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. This Court has issued an order requiring him to show cause why his complaint should not be dismissed pursuant to the “three strikes” provision of 28 U.S.C. § 1915(g). Before the Court is Plaintiff’s letter request seeking appointment of counsel to respond to the show cause order and seeking additional time in which to file his response. Plaintiff alleges that he is unable to afford counsel, that he has no legal training, and that the issues in the case are complex.

Plaintiff has no absolute right to be represented by counsel. The appointment of counsel in a civil case is not a constitutional right, but a privilege granted only in exceptional circumstances; it is inappropriate when a plaintiff’s claims are frivolous or have only an extremely slim chance of success. *See Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993); *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“Appointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”)

Plaintiff has not shown that exceptional circumstances exist warranting appointment of counsel in this case. Accordingly, the Court **DENIES** his request for appointment of counsel. The Court, however, **GRANTS** his request for an extension of time in which to respond to the show cause order. Plaintiff shall file his response within **30 DAYS** of the date of this order.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

DATED: October 18, 2005

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